

Message Text

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PAGE 01 LIMA 06944 252316Z

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SUBJECT: HEAD OF LAWYERS' FEDERATION PLACES NEEDS OF
STATE OVER INDIVIDUAL RIGHTS

REF: LIMA 4412; LIMA 4553

1. IN A AUGUST 23 SPEECH, LEFTIST LAWYER EZEQUIEL RAMIREZ NOVOA, PRESIDNET OF PERU'S NATIONAL FEDERATION OF BAR ASSOCIATIONS, HAILED THE "CONSECRATION OF NEW JURIDICAL STRUCTURE" THAT FAVORS THE RIGHTS OF SOCIETY OVER THOSE OF THE INDIVIDUAL. OCCASION FOR THE REMARKS WAS THE INSTALLATION OF THE FEDERATION'S EXECUTIVE COMMITTEE.

2. RAMIREZ NOVOA SAID THAT STATE INTERVENTION "TO DEFEND THE NATIONAL PATRIMONY AND TO FORCE SOCIAL VICTORIES HAS PRODUCED A FUNDAMENTAL CHANGE IN THE STRUCTURE OF THE LAW . . ." ALSO, SUCH ACTIONS AS THE "SOCIALIZATION" OF THE PRESS, THE AGRARIAN REFORM, AND THE NATIONALIZATION OF NATURAL RESOURCES "DETERMINES THE PREDOMINANCE OF THE GENERAL INTEREST OVER THAT OF THE INDIVIDUAL OR GROUPS.THE FREEDOM OF CONTRACT PROVIDED FOR IN THE OLD LIBERAL AND INDIVIDUALIST CONCEPT OF LAW . . IS (NOW) REPLACED BY THE PARTICIPATION OF THE STATE IN AREAS OF COLLECTIVE INTEREST. . ."

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PAGE 02 LIMA 06944 252316Z

3. COMMENT: IN HIS ASSERTION OF THE RIGHTS OF THE STATE

OVER THOSE OF THE INDIVIDUAL, RAMIREZ NOVOA UNDOUBTEDLY HAS THE GOP'S SUPPORT. CERTAINLY, HE HAS CORRECTLY CHARACTERIZED THE THRUST OF THE GOP'S DECREE LAWS (WHICH IF IN CONFLICT SUPERCEDE CONSTITUTIONAL LAW) AND MAY BE SAID TO HAVE ARTICULATED ITS LEGAL PHILOSOPHY.

4. IF IS UNLIKELY, HOWEVER, THAT RAMIREZ'S REMARKS HAVE THE SUPPORT OF THE MAJORITY OF PERU'S LAWYERS. HIS ELECTION LAST MAY AS PRESIDENT OF THE FEDERATION HAS BEEN WIDELY DISPUTED. IN THE PAST THIS ORGANIZATION MET THE GOP'S MORE EXTREME DECREES WITH SOMETHING LESS THAN ENTHUSIASM.
DEAN

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